

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DREW E. BURBRIDGE, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	Case No. 4:17-CV-2482-RLW
v.)	
)	JURY TRIAL DEMANDED
CITY OF ST. LOUIS, MISSOURI, <i>et al.</i> ,)	
)	
Defendants.)	

DEFENDANT CITY OF ST. LOUIS'S ANSWER TO PLAINTIFF'S COMPLAINT

Defendant City of St. Louis ("Defendant"), by and through its undersigned counsel, answers the allegations of the Complaint (Doc. 1) as follows:

INTRODUCTION

The allegations contained in the introduction to Plaintiff's Complaint are not numbered allegations to which a response is required. To the extent a response is required, Defendant denies the allegations.

PARTIES

1. Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth or falsity of the allegations of this paragraph, and therefore, denies them on that basis.

2. Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth or falsity of the allegations of this paragraph, and therefore, denies them on that basis.

3. Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth or falsity of the allegations of this paragraph, and therefore, denies them on that basis.

4. Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth or falsity of the allegations of this paragraph, and therefore, denies them on that basis.

5. Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth or falsity of the allegations of this paragraph, and therefore, denies them on that basis.

6. Defendant admits that it is a constitutional charter city organized pursuant to the Missouri Constitution and the laws of the State of Missouri. Defendant denies the remaining allegations this paragraph.

7. The allegations of this paragraph constitute legal conclusions to which no answer is required. To the extent an answer is required, Defendant denies the allegations of this paragraph.

8. Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth or falsity of the allegations of this paragraph, and therefore, denies them on that basis.

9. Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth or falsity of the allegations of this paragraph, and therefore, denies them on that basis.

10. Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth or falsity of the allegations of this paragraph, and therefore, denies them on that basis.

11. The allegations of this paragraph constitute legal conclusions to which no answer is required. To the extent an answer is required, Defendant denies the allegations of this paragraph.

12. The allegations of this paragraph constitute legal conclusions to which no answer is required. To the extent an answer is required, Defendant denies the allegations of this paragraph.

JURISDICTION AND VENUE

13. Defendant admits Plaintiffs purport to bring claims against it pursuant to 42 U.S.C. § 1983 under the First, Fourth, and Fourteenth Amendments to the United States Constitution. Defendant specifically denies it is liable under 42 U.S.C. § 1983 as alleged by Plaintiffs. Defendant denies the remaining allegations of this paragraph.

14. The allegations of this paragraph constitute legal conclusions to which no answer is required. To the extent an answer is required, Defendant denies the allegations of this paragraph.

15. The allegations of this paragraph constitute legal conclusions to which no answer is required. To the extent an answer is required, Defendant denies the allegations of this paragraph.

16. The allegations of this paragraph constitute legal conclusions to which no answer is required. To the extent an answer is required, Defendant denies the allegations of this paragraph.

17. The allegations of this paragraph constitute legal conclusions to which no answer is required. To the extent an answer is required, Defendant denies the allegations of this paragraph.

18. Defendant admits Plaintiffs purport to demand a jury trial. Defendant specifically denies that Plaintiffs' claims merit submission to a jury. Defendant denies the remaining allegations of this paragraph.

ALLEGATIONS COMMON TO ALL COUNTS

19. Defendant admits that Jason Stockley shot and killed Anthony Lamar Smith in December 2011. Defendant lacks sufficient knowledge or information upon which to form a belief as to the remaining allegations of this paragraph, and therefore, denies them on that basis.

20. Admitted.

21. Admitted.

22. Defendant admits that public protest occurred at multiple locations in St. Louis following the verdict in the Stockley case. Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth or falsity of the remaining allegations of this paragraph, and therefore, denies them on that basis.

23. Defendant admits that St. Louis Metropolitan Police officers have been present at several protests wearing tactical dress, including helmets, batons, shields, and chemical agents. Defendant denies the remaining allegations of this paragraph.

24. Denied.

25. Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth or falsity of the allegations of this paragraph, and therefore, denies them on that basis.

26. Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth or falsity of the allegations of this paragraph, and therefore, denies them on that basis.

27. Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth or falsity of the allegations of this paragraph, and therefore, denies them on that basis.

28. Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth or falsity of the allegations of this paragraph, and therefore, denies them on that basis.

29. Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth or falsity of the allegations of this paragraph, and therefore, denies them on that basis.

30. Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth or falsity of the allegations of this paragraph, and therefore, denies them on that basis.

31. Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth or falsity of the allegations of this paragraph, and therefore, denies them on that basis.

32. Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth or falsity of the allegations of this paragraph, and therefore, denies them on that basis.

33. Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth or falsity of the allegations of this paragraph, and therefore, denies them on that basis.

34. Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth or falsity of the allegations of this paragraph, and therefore, denies them on that basis.

35. Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth or falsity of the allegations of this paragraph, and therefore, denies them on that basis.

36. Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth or falsity of the allegations of this paragraph, and therefore, denies them on that basis.

37. Denied.

38. Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth or falsity of the allegations of this paragraph, and therefore, denies them on that basis.

39. Defendant admits the mass arrest on the evening of September 17, 2017, was planned and approved by SLMPD officials. Defendant specifically denies that the arrest was unlawful. Defendant denies the remaining allegations of this paragraph.

40. Defendant admits the mass arrest on the evening of September 17, 2017, was planned and approved by SLMPD officials. Defendant specifically denies that the arrest was unlawful. Defendant denies the remaining allegations of this paragraph.

41. Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth or falsity of the allegations of this paragraph, and therefore, denies them on that basis.

42. Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth or falsity of the allegations of this paragraph, and therefore, denies them on that basis.

43. Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth or falsity of the allegations of this paragraph, and therefore, denies them on that basis.

44. Denied.

45. Denied.

46. Denied.

47. Denied.

48. Denied.

49. Denied.

50. Denied.

51. Denied.

52. Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth or falsity of the allegations of this paragraph, and therefore, denies them on that basis.

53. Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth or falsity of the allegations of this paragraph, and therefore, denies them on that basis.

54. Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth or falsity of the allegations of this paragraph, and therefore, denies them on that basis.

55. Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth or falsity of the allegations of this paragraph, and therefore, denies them on that basis.

56. Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth or falsity of the allegations of this paragraph, and therefore, denies them on that basis.

57. Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth or falsity of the allegations of this paragraph, and therefore, denies them on that basis.

58. Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth or falsity of the allegations of this paragraph, and therefore, denies them on that basis.

59. Denied.

60. Denied.

61. Denied.

62. Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth or falsity of the allegations of this paragraph, and therefore, denies them on that basis.

63. Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth or falsity of the allegations of this paragraph, and therefore, denies them on that basis.

64. Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth or falsity of the allegations of this paragraph, and therefore, denies them on that basis.

65. Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth or falsity of the allegations of this paragraph, and therefore, denies them on that basis.

66. Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth or falsity of the allegations of this paragraph, and therefore, denies them on that basis.

67. Denied.

68. Denied.

69. Denied.

70. Denied.

71. Denied.

MUNICIPAL ALLEGATIONS

72. The allegations of this paragraph constitute legal conclusions to which no answer is required. To the extent an answer is required, Defendant denies the allegations of this paragraph.

73. The allegations of this paragraph constitute legal conclusions to which no answer is required. To the extent an answer is required, Defendant denies the allegations of this paragraph.

74. Denied.

75. Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth or falsity of the allegations of this paragraph, and therefore, denies them on that basis.

76. Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth or falsity of the allegations of this paragraph, and therefore, denies them on that basis.

77. Denied.

78. Denied.

79. Denied.

80. Denied.

81. Denied.

82. Denied.

83. Denied.

84. Denied.

COUNT I

Defendant incorporates by reference its foregoing answers and responses to Plaintiffs' allegations as though fully set forth herein.

85. Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth or falsity of the allegations of this paragraph, and therefore, denies them on that basis.

86. Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth or falsity of the allegations of this paragraph, and therefore, denies them on that basis.

87. Denied.

88. The allegations of this paragraph constitute legal conclusions to which no answer is required. To the extent an answer is required, Defendant denies the allegations of this paragraph.

89. Denied.

90. Denied.

WHEREFORE, having fully answered Count I of Plaintiff's First Amended Complaint, Defendant City of St. Louis requests that this Court dismiss the claims asserted against City in Count I with prejudice, award City its costs and attorney's fees, and order such other relief as this Court deems fair and appropriate.

COUNT II

Defendant incorporates by reference its foregoing answers and responses to Plaintiffs' allegations as though fully set forth herein.

91. Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth or falsity of the allegations of this paragraph, and therefore, denies them on that basis.

92. Denied.

93. Denied.

94. Denied.

95. Denied.

96. Denied.

97. Denied.

WHEREFORE, having fully answered Count II of Plaintiff's First Amended Complaint, Defendant City of St. Louis requests that this Court dismiss the claims asserted against City in Count II with prejudice, award City its costs and attorney's fees, and order such other relief as this Court deems fair and appropriate.

COUNT III

Defendant incorporates by reference its foregoing answers and responses to Plaintiffs' allegations as though fully set forth herein.

98. The allegations of this paragraph constitute legal conclusions to which no answer is required. To the extent an answer is required, Defendant denies the allegations of this paragraph.

99. Denied.

100. Denied.

101. Denied.

102. Denied.

103. Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth or falsity of the allegations of this paragraph, and therefore, denies them on that basis.

104. Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth or falsity of the allegations of this paragraph, and therefore, denies them on that basis.

105. Denied.

106. The allegations of this paragraph constitute legal conclusions to which no answer is required. To the extent an answer is required, Defendant denies the allegations of this paragraph.

107. The allegations of this paragraph constitute legal conclusions to which no answer is required. To the extent an answer is required, Defendant denies the allegations of this paragraph.

108. Denied.

WHEREFORE, having fully answered Count III of Plaintiff's First Amended Complaint, Defendant City of St. Louis requests that this Court dismiss the claims asserted against City in Count III with prejudice, award City its costs and attorney's fees, and order such other relief as this Court deems fair and appropriate.

COUNT IV

Defendant incorporates by reference its foregoing answers and responses to Plaintiffs' allegations as though fully set forth herein.

109. Denied.

110. Denied.

111. Denied.

WHEREFORE, having fully answered Count IV of Plaintiff's First Amended Complaint, Defendant City of St. Louis requests that this Court dismiss the claims asserted against City in Count IV with prejudice, award City its costs and attorney's fees, and order such other relief as this Court deems fair and appropriate.

COUNT V

Defendant incorporates by reference its foregoing answers and responses to Plaintiffs' allegations as though fully set forth herein.

112. Denied.

113. Denied.

114. Denied.

115. Denied.

WHEREFORE, having fully answered Count V of Plaintiff's First Amended Complaint, Defendant City of St. Louis requests that this Court dismiss the claims asserted against City in Count V with prejudice, award City its costs and attorney's fees, and order such other relief as this Court deems fair and appropriate.

COUNT VI

Defendant incorporates by reference its foregoing answers and responses to Plaintiffs' allegations as though fully set forth herein.

116. Denied.

117. Denied.

118. Denied.

119. Denied.

WHEREFORE, having fully answered Count VI of Plaintiff's First Amended Complaint, Defendant City of St. Louis requests that this Court dismiss the claims asserted against City in Count VI with prejudice, award City its costs and attorney's fees, and order such other relief as this Court deems fair and appropriate.

COUNT VII

Defendant incorporates by reference its foregoing answers and responses to Plaintiffs' allegations as though fully set forth herein.

120. Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth or falsity of the allegations of this paragraph, and therefore, denies them on that basis.

121. Denied.

122. Denied.

123. Denied.

124. Denied.

WHEREFORE, having fully answered Count VII of Plaintiff's First Amended Complaint, Defendant City of St. Louis requests that this Court dismiss the claims asserted against City in Count VII with prejudice, award City its costs and attorney's fees, and order such other relief as this Court deems fair and appropriate.

COUNT VIII

Defendant incorporates by reference its foregoing answers and responses to Plaintiffs' allegations as though fully set forth herein.

125. Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth or falsity of the allegations of this paragraph, and therefore, denies them on that basis.

126. Denied.

127. Denied.

128. Denied.

129. Denied.

WHEREFORE, having fully answered Count VIII of Plaintiff's First Amended Complaint, Defendant City of St. Louis requests that this Court dismiss the claims asserted against City in Count VIII with prejudice, award City its costs and attorney's fees, and order such other relief as this Court deems fair and appropriate.

COUNT IX

Defendant incorporates by reference its foregoing answers and responses to Plaintiffs' allegations as though fully set forth herein.

130. Denied.

131. Denied.

132. Denied.

133. Denied.

134. Denied.

135. Denied.

136. The allegations of this paragraph constitute legal conclusions to which no answer is required. To the extent an answer is required, Defendant denies the allegations of this paragraph.

137. Denied.

WHEREFORE, having fully answered Count IX of Plaintiff's First Amended Complaint, Defendant City of St. Louis requests that this Court dismiss the claims asserted against City in Count IX with prejudice, award City its costs and attorney's fees, and order such other relief as this Court deems fair and appropriate.

COUNT X

Defendant incorporates by reference its foregoing answers and responses to Plaintiffs' allegations as though fully set forth herein.

138. Denied.

139. Denied.

140. Denied.

141. Denied.

WHEREFORE, having fully answered Count X of Plaintiff's First Amended Complaint, Defendant City of St. Louis requests that this Court dismiss the claims asserted against City in Count X with prejudice, award City its costs and attorney's fees, and order such other relief as this Court deems fair and appropriate.

JURY DEMAND

Defendant demands a jury trial on all issues triable to a jury.

AFFIRMATIVE DEFENSES

Further answering, Defendant affirmatively states as follows:

1. Plaintiffs have failed to state a claim upon which relief may be granted.

2. Plaintiffs are estopped from bringing this suit by their own actions or inactions, including but not limited to, Plaintiffs' failure to bring claims at their first opportunity.

3. Plaintiffs' claims are barred by all applicable statutes of limitations or repose.

4. Plaintiffs voluntarily assumed or exposed themselves to a risk which they knew or, in the exercise of ordinary care, should have known existed.

5. The rights alleged by Plaintiffs to have been violated by Defendant were not clearly established at the time.

6. Defendant has sovereign immunity from Plaintiffs' state law claims.

7. To the extent Plaintiff asserts claims against Defendant based on the doctrine of *respondeat superior*, such claims are barred because *respondeat superior* is not a basis for recovery against the City for Plaintiffs' state law claims or under 42 U.S.C § 1983.

Defendant incorporates each and every additional affirmative defense that may be uncovered or made known during the investigation and discovery of this case. Defendant specifically reserves the right to amend this Answer to include additional affirmative defenses at a later time.

Respectfully submitted,

JULIAN BUSH,
City Counselor

/s/ H. Anthony Relys

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Attorneys for Defendant City of St. Louis

CERTIFICATE OF SERVICE

I hereby certify that on November 9, 2017, the foregoing **Defendant City of St. Louis's Answer to Plaintiff's Complaint** was served via the Court's electronic filing system upon all counsel of record.

/s/ H. Anthony Relys

H. Anthony Relys
Assistant City Counselor